

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

58

August 5, 2003

Continued for adoption from July 29, 2003

FROM: J. RENEE BASTIAN

Clerk of the Board of Supervisors

SUBJECT: REVISIONS TO SAN BERNARDINO COUNTY CODE ADDING CHAPTER 43 TO DIVISION 2 OF TITLE 1 PERTAINING TO VOLUNTARY CAMPAIGN EXPENDITURE LIMITATIONS; ADDING SECTION 12.283 TO CHAPTER 28 OF DIVISION 2 OF TITLE 1 PERTAINING TO TREASURER/TAX COLLECTOR; ADDING CHAPTER 24 TO DIVISION 1 OF TITLE 4 PERTAINING TO THE ISSUANCE OF FILMING PERMITS AND FEES; AMENDING CHAPTER 23 OF DIVISION 1 OF TITLE 4 PERTAINING TO THE ISSUANCE OF STILL PHOTOGRAPHY PERMITS AND FEES; AND REPEALING SECTIONS 24.041, 24.042 AND 24.043 RELATING TO OFF-LIMIT RULES FOR MILITARY PERSONNEL

RECOMMENDATION:

1. Read title only of proposed ordinance modifying the San Bernardino County Code by adding Chapter 43 to Division 2 of Title 1 pertaining to voluntary campaign expenditure limitations; adding section 12.283 to Chapter 28 of Division 2 of Title 1 pertaining to Treasurer/Tax Collector; adding Chapter 24 to Division 1 of Title 4 pertaining to the issuance of filming permits and fees; amending Chapter 23 of Division 1 of Title 4 pertaining to the issuance of still photography permits and fees; and repealing sections 24.041, 24.042 and 24.043 relating to off-limit rules for military personnel. Waive reading of entire text and CONTINUE TO TUESDAY, AUGUST 5, 2003 AT 10:00 AM FOR ADOPTION.

2. Approve placement of San Bernardino County Code on the County's public internet website following the effective date of the above ordinance and direct the Clerk of the Board to implement this action.

BACKGROUND INFORMATION:

In 1999, the Clerk of the Board, County Counsel and Information Services staff began a collaborative effort to review and convert the existing County Code to an automated version to facilitate updates to the County Code via a computer application. The project was implemented in three phases. The first phase required staff to create electronic files for each of the approximately 3,000 Ordinances contained within the County Code. Phase Two provided an opportunity for all County departments to provide input, editing notes and feedback on the automated system as the Code was placed on the County's Intranet (Countyline). The third phase is to provide public access to the County Code via the County's public internet website.

Record of Action of the Board of Supervisors
**APPROVED/ORDINANCE CONTINUED
FOR ADOPTION TO TUE, 8/5/03 @ 10 A.M.**

**BOARD OF SUPERVISORS
COUNTY OF SAN BERNARDINO**

MOTION	<u>AYE</u> 1	<u>AYE</u> 2	<u>AYE</u> 3	<u>SECOND</u> 4	<u>MOVE</u> 5
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J. RENEE BASTIAN, CLERK OF THE BOARD

BY _____

DATED: July 29, 2003

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ITEM 069

**BOARD OF SUPERVISORS
REVISIONS TO COUNTY CODE
JULY 29, 2003
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In the course of placing the County Code on the County's intranet, certain inconsistencies in the existing County Code were noted related to minor clerical errors, duplicate numbers, erroneous section numbers and outdated Code provisions.

Upon the adoption of the proposed ordinance, the erroneous designations discovered in the conversion to a computer based Code will have been corrected.

It is the intention of the Clerk of the Board, subject to Board approval, to place the County Code on the County's public internet website. This would be accomplished by taking the copy of the County Code that currently exists on the County intranet and amending that copy with the provisions of the proposed ordinance, once it is effective. Thus, assuming Board concurrence, following the effective date of the proposed ordinance the modified County Code will be placed on the County's public internet website.

Duplicate Chapter Numbers

It was determined that on three separate occasions new chapters had been added to the County Code and had erroneously been assigned chapter numbers already in use.

The proposed ordinance clarifies and declares that by adopting the erroneously numbered duplicate chapters, there was no intention on the part of the County to repeal any chapter that had been originally assigned a duplicated chapter number. In addition, the proposed ordinance clarifies and declares that it is the intention of the County that each of the three originally adopted chapters and each of the subsequently adopted chapters were intended to be and remain valid. Further, each of the three subsequently adopted chapters is to remain in full force and effect pending the effective date of the proposed ordinance. Upon the effective date of the proposed ordinance, the chapter numbers assigned to each of the subsequently adopted chapters are corrected by the assignment of new code designations (two are assigned new chapter numbers while one is assigned a section number in an existing chapter). The chapters affected are:

Chapter 21

Title 1, Division 2, Chapter 21 – Training & Recruitment of Coroners Standards

(Adopted by Ordinance 3655, August 6, 1996)

Duplicate → Chapter 21 – Voluntary Campaign Expenditure Limits

(Adopted by Ordinance 3692, September 9, 1997)

Board action will designate the second Chapter 21 (Voluntary Campaign Expenditure Limits) as Chapter 43.

Chapter 39

Title 1, Division 2, Chapter 39 – Establishment of Office of County Safety & Security

(Adopted by Ordinance 3595, January 10, 1995)

Duplicate → Chapter 39 – Treasurer -Tax Collector Investment Authority

(Adopted by Ordinance 3682, February 4, 1997)

Board action will designate the second Chapter 39 (Treasurer-Tax Collector Investment Authority) as section 12.283 of Chapter 28.

Chapter 22

Title 4, Division 1, Chapter 22 – Consumer Protection Business Permits

(Adopted by Ordinance 3669, October 29, 1996)

Duplicate → Chapter 22 – Filming Permits and Related Fees

(Adopted by Ordinance 3704, December 16, 1997)

Board action will designate the second Chapter 22 (Filming Permits and Related Fees) as Chapter 24.

Erroneous Section Numbers

An additional purpose of the proposed ordinance is to correct the numbering of Chapter 23 of Division 1 of Title 4 of the Code. While the ordinance (Ordinance No. 3712, adopted on February 24, 1998) that added Chapter 23 to Division 1 of Title 4 of the Code correctly designated the addition to the Code as Chapter 23, the section numbers assigned to the provisions of Chapter 23 were actually section numbers that refer to sections in Chapter 22 of Division 1 of Title 4.

Board action will correct the incorrect section designations contained in Ordinance No. 3712. The proposed ordinance also clarifies and declares that, regardless of the improper section numbering, there was never any intention on the part of the County to effect the continuing validity of the sections found in the correctly titled and numbered Chapter 22 of the County Code. Lastly, the proposed ordinance clarifies that Ordinance No. 3712 was intended to and did enact Chapter 23 and that Chapter 23 has been and will remain in effect until the effective date of the proposed ordinance.

Outdated Code Provisions

The proposed ordinance eliminates County Code sections 24.041 through 24.043, relating to the obligations of businesses placed off-limits for military personnel. These provisions of the Code are outdated and no longer serve any valid purpose.

REVIEW BY OTHERS: This item was reviewed by Deputy County Counsel Robert L. Jocks on July 8, 2003 and by County Administrative Officer on July 11, 2003. This item was also reviewed by the Coroner/Public Administrator/Public Guardian-Conservator; Registrar of Voters; Sheriff; Treasurer-Tax Collector; Department of Agriculture/Weights and Measures; Facilities Management; County Fire Department; County Museums; Department of Public Health; Regional Parks Division; Transportation/Flood Control Department; Airports Department; Building and Safety Division; Special Districts Department; and Department of Economic and Community Development.

FINANCIAL IMPACT: There is no financial impact resulting from this ordinance.

COST REDUCTION REVIEW: The County Administrative Office has reviewed this Agenda Item and concurs with the department's proposal and recommends this action based on the following:

The proposed ordinance is necessary to correct erroneous designations that have been discovered in the County Code and to clarify the effect of the ordinances that contained the erroneous chapter or section number designations.

Placement of the County Code on the County's public internet website will benefit the public by giving it easier access to the County Code and will reduce the time spent by County staff in providing paper copies of the relevant code sections to the public and printing supplemental Code pages reflecting changes.

SUPERVISORIAL DISTRICT(S): All.

PRESENTER: J. Renee Bastian, (909) 387-3843.